

AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Appl. No.: 10/509,511

Attorney Docket No.: Q83285

REMARKS

General remarks

Claims 1 10 and 12-21 are all the claims now pending in the application. The claims have been extensively amended to improve clarity. New claims 12-21 are respectfully submitted to contain no new matter, and are fully supported in the originally-filed application. Claim 10 has been rewritten in independent form so as to comply with US practice.

Objection to the specification

Applicant respectfully requests the Examiner to withdraw the objection to the specification. The Examiner's objection to the Abstract of the Disclosure is respectfully submitted to be overcome by the modifications shown above.

Claim rejections - § 103

Claims 1, 9, and 10

The Examiner rejected claims 1 and 9-11 under 35 U.S.C. §103(a) as being unpatentable over Studle in view of Virtanen. Claims 1 and 10 are independent and similar enough to discuss together. Applicant respectfully traverses this rejection, first with respect to independent claim 1, as now amended, in view of its requirements for:

choosing a compressed mode configuration
from a set of reference compressed mode
configurations

...

said compressed mode parameters being
determined so that, for each reference
configuration, if the TGPL is such that the
transmission gaps occur periodically at
fixed positions in said second structure ...

Applicant respectfully submits that neither Studle, nor Virtanen teaches or suggests
“choosing a compressed mode configuration from a set of reference compressed mode

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configurations”. The Examiner appears to rely on paragraph 0041, lines 1-9 for such a teaching but Applicant finds no teaching or suggestion of “a set of reference compressed mode configurations.”

In addition, Applicant finds in the Examiner's reasons for rejection nothing that effectively address the requirement in claim 1 that “said compressed mode parameters being determined so that, for each reference configuration, if the TGPL is such that the transmission gaps occur periodically at fixed positions in said second structure ...” etc. Steudel does not describe or suggest the problem that occurs when the transmission gaps occur periodically at fixed positions in the second structure, which is the problem recognized and addressed in the present application. Failing to take this into account, a person following the teachings of Steudel would not carefully choose the TGL and it will not be possible to carry out any measurement. Steudel does not teach or suggest any particular value of TGPL for which such a problem could occur and thus Steudel does not teach or suggest any particular choice of TGL such as set forth in claim 1, to avoid such a problem.

Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of Studle and Virtanen would not have (and could not have) led such a person to the subject matter of independent claim 1.

Since the combined teachings of Studle and Virtanen lack any teaching or suggestion of the claim requirements mentioned just above, the combined teachings of Studle and Virtanen do not make out a prima facie case of obviousness against independent claim 1, within the meaning of 35 U.S.C. § 103. Applicant therefore respectfully requests the Examiner to withdraw this rejection of independent claim 1, as now amended, and also its dependent claims. The same action is respectfully requested as well of independent claim 11 and its dependent claims.

Claim 5

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Studle in view of Virtanen and Vyanos. Claim 5 depends from claim 1.

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Vayanos does not teach or suggest the already discussed requirements of claim 1, namely:

choosing a compressed mode configuration
from a set of reference compressed mode
configurations

...

said compressed mode parameters being
determined so that, for each reference
configuration, if the TGPL is such that the
transmission gaps occur periodically at
fixed positions in said second structure ...

Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of Studle, Virtanen, and Vayanos cannot be said to meet these requirements. Applicant therefore respectfully submits that this rejection should be withdrawn with respect to dependent claim 5.

Claims 6-8

The Examiner rejected claims 6-8 under 35 U.S.C. §103(a) as being unpatentable over Studle in view of Virtanen, Vayanos, and the Change of Request report (CORR). Applicant has already discussed the deficiencies of the Studle / Virtanen / Vayanos combination vis-à-vis independent claim 1. It is respectfully submitted that the CORR document does not compensate for the above-identified deficiencies. The combined teachings of Studle / Virtanen / Vayanos / CORR, taken for what they would have meant as a whole to an artisan of ordinary skill, would not have led such a person to the subject matter of independent claim 1, much less dependent claims 6-8. Applicant therefore respectfully requests the Examiner to withdraw also this rejection.

New claims 12-21

The allowance of new dependent claims 12-21 is respectfully submitted in view of the Allowability of independent claims 1 and 11.

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Conclusion and request for telephone interview

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time, if necessary. Unless a check is attached, any fee due under 37 C.F.R. § 1.17(a) is being paid via the USPTO Electronic Filing System, or if not paid through EFS, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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